

PROPOSED AMENDMENT A - MARKED UP VERSION

1 **1. (Once Amended)** A business method intended to facilitate flexible terms commodit[ies] trading
2 comprising the steps of:

3 providing, upon a web site accessible upon the world wide web, a proposal format in which
4 the type of auction can be specified in addition to the particular commodity, [quantity] weight, price,
5 and specific commodity category dependent quality characteristics desired by a prospective buyer in
6 completion of a submission for initiating an open bid;

7 providing, upon a web site accessible upon the world wide web, a proposal format in which
8 the type of auction can be specified in addition to the particular commodity, [quantity] weight, price,
9 and specific commodity category dependent quality characteristics offered by a prospective seller in
10 completion of a submission for initiating an open offer;

11 posting upon said web site a listing for a specified lot of a particular commodity in accordance
12 with a completed proposal submission detailing a plurality of terms including [but not restricted to]
13 weight, price, quality characteristics, delivery and payment comprising an open offer of said specified
14 lot when initiated by a prospective seller and comprising an open bid of said specified lot when
15 initiated by a prospective buyer;

16 scheduling an auction of said specified lot by posting a plurality of schedule dates including
17 but not restricted to commencement and conclusion dates between which responses to said listing will
18 be received;

19 posting upon said web site, in association with said listing, counter bids received in response
20 to an open offer and counter offers received in response to an open bid which vary in [at least one]
21 any of the terms [from] included in said plurality of terms detailed in said listing;

22 posting upon said web site, in association with said listing, any offer indications by said
23 prospective seller in response to posted counter bids and any bid indications by said prospective buyer
24 in response to posted counter offers signifying a modification of at least one term in said listing;

25 indicating upon said web site, in association with said listing, the matching in all said terms
26 between any offer and any bid both concerned with said specified lot.

IDENTIFICATION OF SUPPORT IN SPECIFICATION FOR AMENDMENT

1 1. Applicant respectfully submits that the substitution of “commodities” for
2 “commodity” in line 1 of claim 1, comprises a grammatical clarification and that a definition
3 of the same, provided in the original specification as filed on page 2: “commodities are used
4 as material in the production of finished product; collectibles are sold by the piece while
5 commodities are sold by weight and quality” (lines 5 - 6) is referenced directly by proposed
6 Amendment A with substitution of ‘weight’ for ‘quantity’ as further discussed below.

7
8
9 2. Applicant respectfully recites in full the passage concerned immediately above:

10
11 This type of auction is not appropriate for commodities which are considered
12 to possess several obvious and fundamental differences with the trading of
13 collectibles: collectibles are discrete items while commodities are not;
14 collectibles are bought to be held and/or sold again while commodities are
15 used as material in the production of finished product; collectibles are sold by
16 the piece while commodities are sold by weight and quality.

17 These distinctions are considered to distinguish the trading of
18 commodity over the trading of all finished goods inclusive of new product sold
19 over what is ostensibly the second largest known online auction. The
20 difference between a commodity and finished goods, new or previously
21 owned, is considered fundamental and only online auction systems facilitating
22 the trading of commodities are considered to comprise prior art pertinent to the
23 present invention. Prior art relating to online auctioning of financial
24 instruments is similarly excluded by the basic distinction over the same
25 provided by the physical nature of commodity. (p. 2, lines 2 - 13).

26
27 3. Applicant respectfully submits that specification of “the particular commodity” in line
28 4, of claim 1 instead of “the commodity” clarifies the action of specification of a single
29 commodity by a prospective seller or buyer and is supported by the original specification as

IDENTIFICATION OF SUPPORT IN SPECIFICATION FOR AMENDMENT

1 filed:

2
3 The direction of bidding, upward or downward, and the mode, incremental or
4 open, may be selected by an initiator of a bid or offer thereby providing a
5 single online auction system which is comprehensive of all commodity trading
6 and capable of customization by the participants as appropriate to the
7 particular commodity concerned as well as to particular participant references.
8 (p. 9, lines 9 - 13)

10
11 4. Applicant respectfully submits that the substitution of the term 'weight' for 'quantity'
12 in description of the amount of commodity concerned in lines 4, 8, & 13 of claim 1 provides
13 further distinction to the term 'commodity' consistent with the distinction made on page 2
14 of the original specification as filed and recited above in paragraph 2: "collectibles are sold
15 by the piece while commodities are sold by weight and quality" (p. 2, lines 5 - 6).

16
17 5. Applicant respectfully submits that the substitution of "quality" specified by a
18 prospective seller or buyer in lines 5 & 9 of claim 1 with "specific commodity category
19 dependent quality characteristics" is consistent with the language modifications described
20 above, clarifies the specification of 'quality' as being expressed in characteristics dependent
21 upon the commodity concerned, and is supported by the original specification as filed as:
22 "the attributes utilized in specification must be variable with respect to various commodities
23 in order to provide for specification of quality in terms appropriate to each commodity" (p.
24 9. Lines 2 - 3); and "(q)uality is considered to be comprised of different characteristics
25 dependent upon the specific commodity category 21 concerned" (p. 17 , lines 19 - 20).

IDENTIFICATION OF SUPPORT IN SPECIFICATION FOR AMENDMENT

1 6. Applicant respectfully submits that the addition of 'weight', 'price' and 'quality'
2 characteristics' in line 13 of claim 1 to "delivery and payment" as the "plurality of terms"
3 included in "a listing for a specified lot of a particular commodity", together with the
4 elimination of the phrase "but not restricted to" clarifies the restriction of claim 1 intended
5 thereby in a manner consistent with the clarification intended by amendment.

6

7 7. Applicant respectfully submits that the phrasing "any of the terms included in said
8 plurality of terms" in lines 20 - 21 of claim 1, as opposed to the previous phrasing "at least
9 one term from said plurality of terms" clarifies the availability of all of "said plurality of
10 terms detailed in said listing" for variation in counter bids and counter offers in response to,
11 respectively, open offers and open bids.

Respectfully yours,

David Johnson Reg. # 34,605

TEL 410/358-5912

FAX 9636